

SENATE BILL 2737

By Rochelle

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 13, Part 1; Title 62, Chapter 13, Part 4 and Title 66, Chapter 5, Part 2, relative to the duties and liabilities of owners of real estate and licensees providing real estate services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-13-102, is amended by deleting subpart (1) and substituting instead the following:

(1) "Adverse facts" means conditions or occurrences generally recognized by competent licensees that significantly reduce the structural integrity of improvements to real property or present a significant health risk to occupants of the property;

SECTION 2. Tennessee Code Annotated, Section 62-13-403, is amended by deleting the language "§ 62-13-405" from the first sentence and substituting instead the language "§§ 62-13-405 and 66-5-207".

SECTION 3. Tennessee Code Annotated, Section 62-13-403, is further amended by deleting the language "adverse facts" in subdivision (2) and substituting instead the language "adverse facts, as defined in § 66-5-206,".

SECTION 4. Tennessee Code Annotated, Section 66-5-207, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding any of the provisions of this part, or any other statute or regulation to the contrary, no cause of action shall arise against an owner or a real estate licensee for failure to disclose that:

(1) An occupant of the subject real property was afflicted with human immunodeficiency virus (HIV) or other disease which has been determined by medical evidence to be highly unlikely to be transmitted through the occupancy of a dwelling place;

(2) The subject real property was the site of:

(A) An act or occurrence which had no effect on the physical structure of the real property, its physical environment or the improvements located thereon; or

(B) A homicide, felony or suicide; or

(3) A person convicted of a felony resides on or near the subject real property.

(b) This section shall apply regardless of whether or not the real property is subject to this part.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.